



JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of PER JACOBSEN

Docket No.: IPB.021

Serial No.: 10/563,422

Art Unit: 3633

Filed: January 5, 2006

Examiner: Basil S. Katcheves

For: WINDOW WITH SCREENING ARRANGEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

The courtesy of Examiner Katcheves in granting a personal interview to the applicant's attorney is gratefully acknowledged.

During the interview, the applicant's attorney referred to the limitation of the only independent claim, claim 18, relating to the self-releasable engagement of the screening element with the corresponding frame or sash member. He indicated that "self-releasable" is not new matter, even though the term "self-releasable" was not used in the specification, for the reasons that "releasable" is used in the specification and that the self-releasable nature of the engagement is described in the specification.

The Examiner stated that the engagement disclosed in the application is not "self-releasable", because an opening force must be applied to the window of the application in order for the screen element to release. He indicated that the wingnut attachment of the screen of the Persson reference is "releasable", and "self-releasable" even though something in the Persson screen arrangement would break before the wingnut attachment would separate. The applicant's attorney indicated that the screen of Persson would likely break before the attachment mechanism for the screen would release.


The Examiner suggested claiming more structure in connection with the “releasable” feature, but the applicant’s attorney stated that he could think of no way of claiming generically so as to cover the various structures that can provide the screening element with its “releasable” engagement.

The applicant’s attorney referred to the limitation of claim 18 relating to at least one screening element being provided exclusively at the top and/or bottom member of the sash and frame and said that the Persson arrangement did not satisfy the “exclusively” limitation because it shows screens also at the sides. The Examiner indicated that, as long as Persson shows a screening element being provided at the top and/or bottom member, it satisfies the limitation including “exclusively”, even though it shows screens in other places as well. He said that the applicant should use “consisting of”, if it is desired to claim some structure in the absence of other structure.

The Examiner added that Fig. 14 of Persson shows an embodiment in which the screening element is provided exclusively at the top and/or bottom member. The applicant’s attorney suggested that the elements shown at the sides of Fig. 14 might be considered screening elements, but the Examiner seemed to disagree. In this regard, the Examiner suggested claiming the openings at the side of the window, and he indicated that such a feature is not in the prior art that he is aware of, although he would need to do a further search for that feature.

Date: 9-21-09

Respectfully submitted,


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CERTIFICATE OF MAILING

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